

Enforcement of Environmental Laws

*95 Min. - Telecourse DVD (New)
April 2005*

This Telecourse is designed to increase the peace officers' recognition of environmental crime as a threat to public safety and encourages enforcement of environmental laws at the local level. The program provides an overview of the long-term effects of environmental crimes, details important officer safety concerns when responding to the scene of an environmental crime, and highlights those environmental laws that peace officers may enforce.

The Telecourse DVD offers three viewing options:

1. Play Telecourse in its entirety (95 min.)
2. Select among ten Telecourse segments:
 - Introduction (6 min.)
 - Recognition of Environmental Hazards (18 min.)
 - Environmental Laws (15 min.)
 - Response and Enforcement (6 min.)
 - Resources (6 min.)
 - Carpet Cleaner (10 min.)
 - Junk Hauler (10 min.)
 - Wire Burn (8 min.)
 - Gas Truck (11 min.)
 - Wrap-Up (4 min.)
3. Select among four Interaction segments:
 - Carpet Cleaner
 - Junk Hauler
 - Wire Burn
 - Gas Truck

POST Course Control Number: **xxxx-30001-xx029***
Telecourse Module Number: 05--04
DVD Shipping Date: 04/15/05
Reference Guide: None

* Specific to DVD only. The first four digits of the Course Control Number (xxxx) is the preassigned Telecourse Presenter Number specific to your agency; the tenth and eleventh digits (xx) are the fiscal year in which your agency presents this program. See website for detailed instructions.



45 Minutes - Quarterly Edition DVD
January 2005

Photo Showups: The Basics

with William Bedsworth, Justice of the Court of Appeal, State of California
Justice Bedsworth uses the case of People v. Shabazz to explain the basic requirements for putting together a photo array for a photographic showup. Cases cited: People v. Shabazz (2004) 118 Cal. App. 4th 1458; People v. Brandon (1995) 32 Cal. App. 4th 1033. (10:12)

Probable Cause Arrests: Objective Standard Rules

with Jeff Rubin, Alameda County District Attorney's Office
A warrantless arrest is lawful so long as there are objective facts supporting probable cause to arrest for an offense. It is not necessary that the offense for which the officer subjectively believed he was formally arresting the suspect is the offense for which the known facts provided probable cause, nor is it required that the offense for which was suspect was formally arrested be "closely related" to the offense for which probable cause existed. Case cited: Devenpeck v. Alford (2004) DJDAR 14750. (8:54)

Pat-Downs: Refusal May Lead to P.C. §148 Arrest

with Daniel McNerney, Superior Court Judge, State of California
Police may pat-down a detainee for weapons if they have reasonable suspicion that he/she is armed and dangerous. A detainee who refuses or resists a lawful pat-down is subject to arrest for P.C. §148. Case cited: People v. Lopez (2004) 119 CA4 132. (6:14)

Hunch Doesn't Equal Reasonable Suspicion to Stop

with Jeff Rubin, Alameda County District Attorney's Office
Where police received information from a student that unknown Mexican gang members were threatening to come by his apartment the next morning, police did not have reasonable suspicion, four days later, to stop a car with two Hispanic males just because they both looked in the general direction of the student's apartment complex as they drove past it. Case cited: People v. Durazo (2004) 21 Cal.Rptr.3d 516. (5:56)

Penal Code §71: Do You Know It?

with William Bedsworth, Justice of the Court of Appeal, State of California
Little-known Penal Code §71 makes it illegal to threaten a public employee or school employee (private or public) in order to cause that person not to perform his/her duties. This a wobbler felony which all police officers should be familiar with. Justice Bedsworth uses the case of In re Ernesto H. to explain the workings of the statute. Case cited: In re Ernesto H. (2004) Daily Journal DAR 14786. (7:07)

Searches of In-Custody Parolee's Residence

with Jeff Rubin, Alameda County District Attorney's Office
Although reasonable suspicion is not required to do a parole search, there must be probable cause to believe the parolee resides at the place searched. No such probable cause existed where it was easy for officers to ascertain parolee had been in custody for six weeks before search occurred. Also, the manner in which the search is conducted must be reasonable or the search will be unconstitutional. Case cited: Motley v. Parks (2004) 123 Cal.App.4th 144. (7:07)

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55 Minutes - Quarterly Edition DVD
February 2005

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S&S: More On Anonymous Tips

with Daniel McNerney, Superior Court Judge, State of California

In order for police to detain a suspect based on an anonymous tip, the tipster must indicate that they have personal knowledge of the information given to police, and the information must predict future criminal activities that can be corroborated by police. *Cases cited: Florida v. J.L. (2000) 529 U.S. 266; People v. Jordan (2004) 121 CA4 544. (9:41)*

Search of Vehicle Incident to Arrest

with Jeff Rubin, Alameda County District Attorney's Office

As long as there is probable cause to make an arrest, and the search is conducted "roughly contemporaneously" with the arrest, a search incident to arrest (including a search of a vehicle) is permitted-- regardless of whether the search occurs before or after the formal arrest. *Cases cited: Chimel v. California (1969) 395 U.S. 752; New York v. Belton (1981) 453 U.S. 454; United States v. Smith (9th Cir. 2004) 389 F.3d 944; United States v. McLaughlin (9th Cir. 1999) 170 F.3d 889; United States v. Hudson (9th Cir. 1996) 100 F.3d 1409. (6:56)*

Security Camera Photos and Lineups or Showups

with William Bedsworth, Justice of the Court of Appeal, State of California

In this case, the Ninth Circuit Court of Appeals dealt with a bank robbery in which police showed witnesses security camera photos of the robber before showing them a photo showing of suspects. The court held this was a permissible and reasonable law enforcement technique. Justice Bedsworth explains when you can show photos of the perpetration to witnesses prior to lineups or showups. *Case cited: United States v. Beck (2005) DJDAR 162. (5:42)*

Unreasonable Delay in Taking Arrestee to Magistrate

with Jeff Rubin, Alameda County District Attorney's Office

Where an arrestee is brought in for a traffic violation but no attempt is made to book or arraign him on that violation and instead he is detained for 16 hours while being interviewed about a murder case for which probable cause to arrest him is lacking, there is a Fourth Amendment violation. Plus, a suspect with subnormal intelligence can still give a knowing and intelligent *Miranda* waiver. *Cases cited: County of Riverside v. McLaughlin (1991) 500 U.S. 44; People v. Jenkins (2004) 122 Cal.App.4th 1160. (14:09)*

Search and Seizure: Protective Sweeps

with Daniel McNerney, Superior Court Judge, State of California

In order to enter a home to conduct a "protective sweep," police must have reasonable suspicion that there is a person present in the house posing a danger to officer safety. *Cases cited: Maryland v. Buie (1990) 494 U.S. 325; U.S. v. Gould (2004) 364 F.3d 578; U.S. v. Daoust (1990) 916 F.2d 757; U.S. v. Wilson (2001) 306 F.3d 231; State v. Revenaugh (1999) 173 Idaho 774; People v. Celis (2004) 33 CA 667. (7:54)*

Statements Taken After Illegal Arrest

with Jeff Rubin, Alameda County District Attorney's Office

Although a statement taken during an unreasonably delay in bringing an arrestee before a magistrate may be suppressed, if the suspect is released from custody for a period of time and then voluntarily returns to give another statement, the second statement may still be admissible. Plus, it is permissible to place two suspects together in a jail cell and secretly record them. *Case cited: People v. Jenkins (2004) 122 Cal.App.4th 1160. (10:57)*



50 Minutes - Quarterly Edition DVD
March 2005

What Is Not a Crime: Videotaping Police

with William Bedsworth, Justice of the Court of Appeal, State of California

There is no reasonable expectation of privacy in things you say on the police radio. And the actions you take in public are likewise public. You cannot stop anyone from videotaping an arrest or police radio dispatch. You can make it more difficult (by rolling up your car windows, for example) but it is not illegal and you cannot prohibit it. Justice Bedsworth explains this, using the cautionary tale of a small-town Washington police chief who got sued for this. *Case cited: Johnson v. Hawe* (2004) (September 1, 2004) DJDAR 10814. (7:00)

Searching Hatchback Cargo Area Incident to Arrest

with Jeff Rubin, Alameda County District Attorney's Office

The cargo portion of a hatchback vehicle is part of the "passenger compartment" for purposes of the *Belton* rule allowing search of the passenger compartment of a vehicle incident to arrest, even if it is covered. Other issues arising in the case of *Mayo* are also discussed with the investigating officer. *Cases cited: United States v. Mayo* (2005) DJDAR 604 *New York v. Belton* (1981) 453 U.S. 454. (14:47)

Parole/Probation Searches: Areas of Joint Access

with Daniel McNeerney, Superior Court Judge, State of California

An officer's knowledge of the search and seizure condition of a person's parole or probation allows the officer to search all areas of the residence to which the parolee/probationer reasonably appears to have normal access to. *Cases cited: People v. Woods* (1999) 21 CA4 668; *People v. Johnson* (1980) 105 CA3 884; *People v. Pleasant* (2004) 123 CA4 194. (7:57)

Ambiguous Requests for Counsel

with Jeff Rubin, Alameda County District Attorney's Office

Once a suspect has asserted his/her right to counsel during custodial interrogation, the interrogation must cease. However, if the request for counsel is ambiguous or equivocal, officers are not required to stop their interrogation. *Cases cited: Davis v. United States* (1994) 512 U.S. 452; *People v. Gonzalez* (2005) 34 Cal.4th 1111. (8:10)

Search of a Car Incident to Arrest of Occupant

with William Bedsworth, Justice of the Court of Appeal, State of California

Justice Bedsworth discusses one of those rare and wonderful bright line rules: search of an automobile incident to arrest. The law is – at least for now – very clear about what you can and cannot search incident to the arrest of a driver. As this case makes clear, you can search a car incident to an arrest even if you arrested your suspect outside the car and even if there could be no evidence of the crime in the car. Justice Bedsworth explains how this can be true. *Cases cited: United States v. Osife* (2004) DJDAR 2058; *Chimel v. California* (1969) 395 U.S. 752. (7:22)

Dog Sniffs Are Not Searches

with Jeff Rubin, Alameda County District Attorney's Office

No reasonable suspicion is required before having a narcotics sniffing dog sniff around the exterior of a vehicle during an otherwise lawful traffic stop, so long as use of the dog does not unreasonably prolong the stop, because such sniffing does not violate a privacy right protected by the Fourth Amendment (i.e., it is not a search). *Case cited: Illinois v. Caballes* (2005) 125 S.Ct. 834. (4:29)

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